

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JACKIE STEFANOWICZ,

Plaintiff,

v.

SUNTRUST MORTGAGE et al.,

Defendants.

CIVIL ACTION NO. 3:16-cv-00368

(JUDGE CAPUTO)

(MAGISTRATE JUDGE
SAPORITO)

ORDER

NOW, this 22nd day of March, 2017, **IT IS HEREBY ORDERED** that Magistrate Judge Saporito's Report and Recommendation (Doc. 32) is **ADOPTED**:

- (1) The Motions to Dismiss filed by Defendant SunTrust Mortgage, Inc. (Case No. 368, Doc. 13; Case No. 374, Doc. 9) and Defendant Specialized Loan Servicing, LLC (Case No. 368, Doc. 22; Case No. 374, Doc. 15) are **GRANTED**.
- (2) Plaintiff Jackie Stefanowicz's federal-law claims set forth in the two Complaints filed in this consolidated action (Case No. 368, Doc. 1; Case No. 374, Doc. 1) are **DISMISSED** as frivolous and malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) or for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure:
 - (A) Plaintiff's TILA and HOEPA claims are **DISMISSED with prejudice**.
 - (B) Plaintiff's RESPA, ECOA, and FHA claims that arise out of the origination of Plaintiff's 2007 mortgage loan are **DISMISSED with prejudice**.
 - (C) Plaintiff's RESPA, ECOA, and FHA claims that arise out of Plaintiff's attempts to obtain a loan modification or an extended forbearance agreement in 2014 or 2015 are **DISMISSED without prejudice**.

- (3) Plaintiff shall have **twenty-one (21) days** from the date of entry of this Order to file an amended complaint to properly plead a RESPA, ECOA, and/or FHA claim that arises out of Plaintiff's attempts to obtain a loan modification or an extended forbearance agreement in 2014 or 2015. Otherwise, these claims will be **DISMISSED with prejudice**
- (4) Plaintiff's state-law claims are **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1367(c)(3);
- (5) The Clerk of Court is directed to mark this case as **CLOSED** if an amended complaint is not timely filed as specified herein; and
- (6) This action is **RECOMMITTED** to Magistrate Judge Saporito for further proceedings, if any.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge